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**General Docket**  
**Eighth Circuit Court of Appeals**

Court of Appeals Docket #: 19-3573

Docketed: 12/04/2019

Nature of Suit: 2890 Other Statutory Actions

Termed: 01/11/2021

United States v. Fita Spann

Appeal From: U.S. District Court for the Western District of Missouri - Springfield

Fee Status: In Forma Pauperis

**Case Type Information:**

- 1) Civil
- 2) United States as a party
- 3) null

**Originating Court Information:**

District: 0866-6 : 6:01-cv-03086-MDH

Court Reporter: Lissa C. Whittaker, Court Reporter

Trial Judge: M. Douglas Harpool, District Judge

Magistrate: David P. Rush, U.S. Magistrate Judge

Date Filed: 02/27/2001

Date Order/Judgment:  
09/30/2019Date NOA Filed:  
11/29/2019Date Rec'd COA:  
12/03/2019**Prior Cases:**

None

**Current Cases:**

None

United States of America  
Plaintiff - AppelleeCynthia Jean Hyde, Assistant U.S. Attorney  
[COR NTC Asst. U.S. Atty]  
U.S. ATTORNEY'S OFFICE  
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Springfield, MO 65806-2511Shane Patrick McCullough  
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[NTC Government]  
U.S. MEDICAL CENTER FOR FEDERAL PRISONERS  
1900 W. Sunshine  
Springfield, MO 65807-0000

v.

Fita E. Spann (Federal Prisoner: 05347-043)  
Defendant - AppellantDavid Randolph Mercer, Assistant Federal Public Defender  
Direct: 417-873-9022  
[COR NTC Asst. FP Defender]  
FEDERAL PUBLIC DEFENDER'S OFFICE  
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Suite 801  
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[NTC Pro Se]  
U.S. MEDICAL CENTER FOR FEDERAL PRISONERS  
P.O. Box 4000  
Springfield, MO 65801-4000

United States of America

Plaintiff - Appellee

v.

Fita E. Spann

Defendant - Appellant

12/04/2019	<input type="checkbox"/> 	Civil case docketed. [4858057] [19-3573] (AEV) [Entered: 12/04/2019 11:10 AM] 5 pg, 113.68 KB
12/04/2019	<input type="checkbox"/> 	Originating court document filed consisting of notice of appeal, Report & Recommendation 8/9/19 (Sealed), Order 9/27/19 (Sealed), Judgment 9/30/19 (Sealed) docket entries, [4858067] [19-3573] (AEV) [Entered: 12/04/2019 11:23 AM]
12/04/2019	<input type="checkbox"/> 	CLERK ORDER: The Federal Public Defender is hereby appointed to represent appellant in this case. [4858069] [19-3573] (AEV) [Entered: 12/04/2019 11:24 AM]
12/04/2019	<input type="checkbox"/> 	BRIEFING SCHEDULE SET AS FOLLOWS: Transcript due on or before 01/13/2020. Appendix due 01/23/2020. BRIEF APPELLANT, Fita E. Spann due 01/23/2020 Appellee brief is due 30 days from the date the court issues the Notice of Docket Activity filing the brief of appellant. [4858072] [19-3573] (AEV) [Entered: 12/04/2019 11:26 AM]
12/04/2019	<input type="checkbox"/> 	APPEARANCE filed by David R. Mercer for Appellant Mr. Fita E. Spann w/service 12/04/2019 [4858212] [19-3573] (DRM) [Entered: 12/04/2019 02:26 PM]
12/06/2019	<input type="checkbox"/> 	APPEARANCE filed by Cynthia J. Hyde for Appellee United States of America w/service 12/06/2019 [4859293] [19-3573] (CJH) [Entered: 12/06/2019 02:46 PM]
01/22/2020	<input type="checkbox"/> 	MOTION for extension of time to file brief until 02/06/2020, filed by Attorney Mr. David Randolph Mercer for Appellant Mr. Fita E. Spann w/service 01/22/2020. [4873355] [19-3573] (DRM) [Entered: 01/22/2020 09:15 AM]
01/22/2020	<input type="checkbox"/> 	CLERK ORDER: Granting [4873355-2] motion for extension of time to file brief filed by Mr. David Randolph Mercer. Brief of Fita E. Spann due 02/06/2020. Appendix due on 02/06/2020. [4873376] [19-3573] (CRJ) [Entered: 01/22/2020 09:33 AM]
02/05/2020	<input type="checkbox"/>	RECORD FILED - SEALED TRANSCRIPT, 1 volumes, Location STL, Comments: Hearing on continuation of Motion for Revocation of Conditional Release - District Court document #86 [Copy do not return to the District Court at end of case], Source Location: USDC / WMS, Dt. of Proceeding/Hearing: 06/04/2019, No. of Pgs.: 3, Court Reporter: Whittaker, Lissa C. [4878353] [19-3573] (STL) [Entered: 02/05/2020 12:31 PM]
02/05/2020	<input type="checkbox"/>	RECORD FILED - SEALED TRANSCRIPT, 1 volumes, Location STL, Comments: Hearing on Motion for Revocation of Conditional Release - District Court document #91 [Copy do not return to the District Court at end of case], Source Location: USDC / WMS, Dt. of Proceeding/Hearing: 07/16/2019, No. of Pgs.: 7, Court Reporter: Whittaker, Lissa C. [4878358] [19-3573] (STL) [Entered: 02/05/2020 12:34 PM]
02/06/2020	<input type="checkbox"/> 	MOTION for extension of time to file brief until 02/20/2020, filed by Attorney Mr. David Randolph Mercer for Appellant Mr. Fita E. Spann w/service 02/06/2020. [4878853] [19-3573] (DRM) [Entered: 02/06/2020 01:52 PM]
02/06/2020	<input type="checkbox"/> 	CLERK ORDER: Granting [4878853-2] motion for extension of time to file brief filed by Mr. David Randolph Mercer. Brief of Fita E. Spann due 02/20/2020. Appendix due on 02/20/2020. [4878918] [19-3573] (CRJ) [Entered: 02/06/2020 02:44 PM]
02/14/2020	<input type="checkbox"/> 	MOTION to seal brief, addendum and joint appendix, filed by Attorney Mr. David Randolph Mercer for Appellant Mr. Fita E. Spann w/service by USCA8 02/14/2020. [4881997] [19-3573]--[Edited 02/14/2020 by CRJ] This entry was edited to add joint to appendix. (CRJ) [Entered: 02/14/2020 03:23 PM]
02/14/2020	<input type="checkbox"/> 	CLERK ORDER: Granting [4881997-2] motion to seal filed by Mr. David Randolph Mercer. The Court is hereby sealing the following: brief, addendum and joint appendix. 10 COPIES OF PAPER BRIEFS FROM FITA E. SPANN DUE 02/19/2020 WITH certificate of service for paper briefs. Disc for sealed brief and addendum due 02/19/2020. [4882000] [19-3573] (CRJ) [Entered: 02/14/2020 03:35 PM]
02/14/2020	<input type="checkbox"/>	SEALED BRIEF FILED - APPELLANT BRIEF filed by Mr. Fita E. Spann. w/service 02/14/2020, Length: 6,407 words. This brief is filed under seal and is not available on Pacer. 10 COPIES OF PAPER BRIEFS (WITHOUT THE APPELLATE PDF FOOTER) FROM Fita E. Spann due 02/19/2020 WITH certificate of service for paper briefs. The appellee brief deadline will be set, based on the Certificate of Service in the paper copies of this brief. [4882005] [19-3573]--[Edited 02/19/2020 by CRJ] This entry was edited to increase the word count per submitted paper briefs. (CRJ) [Entered: 02/14/2020 03:46 PM]
02/14/2020	<input type="checkbox"/>	SEALED ADDENDUM of APPELLANT FILED by Appellant Mr. Fita E. Spann, w/service 02/14/2020. This addendum is filed under seal and is not available on Pacer. [4882006] [19-3573] (CRJ) [Entered: 02/14/2020 03:49 PM]
02/14/2020	<input type="checkbox"/>	SEALED RECORD FILED - JOINT APPENDIX, Comments: 3 sealed copies, Source Location: St. Louis [4882008] [19-3573] (CRJ) [Entered: 02/14/2020 03:52 PM]
02/19/2020		

	<input type="checkbox"/>	Paper copies SEALED Appellant/Petitioner Brief, [4882005-2] filed by Mr. Fita E. Spann 10 paper copies received. w/Addendum attached <b>Brief of United States of America due 03/20/2020.</b> [4882957] [19-3573] (CRJ) [Entered: 02/19/2020 03:23 PM]
03/20/2020	<input type="checkbox"/> 	4 pg. 174.8 KB MOTION to file brief for appellee under seal, filed by Appellee United States of America filed by Attorney Ms. Cynthia Jean Hyde for Appellee United States of America w/service 03/19/2020. [4893839] [19-3573] (NDG) [Entered: 03/20/2020 11:59 AM]
03/20/2020	<input type="checkbox"/> 	1 pg. 8.89 KB CLERK ORDER:Granting [4893839-2] motion to seal filed by Ms. Cynthia Jean Hyde and Appellee United States of America. The Court is hereby sealing the following: Appellee's Brief. Disc for sealed brief/addendum due 03/25/2020. [4893843] [19-3573] (NDG) [Entered: 03/20/2020 12:01 PM]
03/24/2020	<input type="checkbox"/>	<b>SEALED BRIEF FILED - APPELLEE BRIEF</b> filed by United States of America. Counsel is required to serve a copy of this sealed brief upon opposing counsel. Counsel is directed to file a Certificate of Service on CM/ECF indicating service of the brief upon opposing counsel and appellant's reply brief deadline will be set based on the filed certificate of service. w/service 03/24/2020 , Length: 29 pages <b>THIS BRIEF IS FILED UNDER SEAL AND IS NOT AVAILABLE ON PACER.</b> [4895122] [19-3573]--[Edited to include additional language re: access to brief 03/24/2020 by AMT] (AMT) [Entered: 03/24/2020 03:46 PM]
03/24/2020	<input type="checkbox"/> 	1 pg. 50.02 KB CORRECTED certificate of service for brief, Doc No. [4895122-2], filed by Appellee United States of America [4895136] [19-3573] (CJH) [Entered: 03/24/2020 04:04 PM]
03/24/2020	<input type="checkbox"/>	PUBLIC DOCKET NOTE: The appellant's reply brief is due April 7, 2020. [4895175] [19-3573] (MDS) [Entered: 03/24/2020 04:47 PM]
04/06/2020	<input type="checkbox"/> 	3 pg. 111.95 KB MOTION for extension of time to file brief until 04/14/2020, filed by Attorney Mr. David Randolph Mercer for Appellant Mr. Fita E. Spann w/service 04/06/2020. [4899544] [19-3573] (DRM) [Entered: 04/06/2020 02:27 PM]
04/06/2020	<input type="checkbox"/> 	1 pg. 8.92 KB CLERK ORDER:Granting [4899544-2] motion for extension of time to file brief filed by Mr. David Randolph Mercer. Reply brief of Fita E. Spann due 04/14/2020 [4899713] [19-3573] (MDS) [Entered: 04/06/2020 04:57 PM]
04/09/2020	<input type="checkbox"/> 	4 pg. 117.97 KB MOTION to seal reply brief, filed by Attorney Mr. David Randolph Mercer for Appellant Mr. Fita E. Spann w/service 04/09/2020. [4901039] [19-3573] (AMT) [Entered: 04/09/2020 02:03 PM]
04/09/2020	<input type="checkbox"/> 	1 pg. 11.32 KB CLERK ORDER:Granting [4901039-2] motion to seal filed by Mr. David Randolph Mercer. The Court is hereby sealing the following: Appellant's Reply Brief. Disc for sealed brief/addendum due 04/14/2020. [4901040] [19-3573] (AMT) [Entered: 04/09/2020 02:04 PM]
04/09/2020	<input type="checkbox"/>	<b>SEALED BRIEF FILED - APPELLANT REPLY BRIEF</b> filed by Mr. Fita E. Spann. w/service 04/09/2020, Length: 5 pages. Counsel is directed to serve a copy of the brief upon opposing counsel and file a Certificate of Service on CM/ECF. <b>THIS BRIEF IS FILED UNDER SEAL AND IS NOT AVAILABLE ON PACER.</b> [4901045] [19-3573] (AMT) [Entered: 04/09/2020 02:09 PM]
04/13/2020	<input type="checkbox"/> 	2 pg. 84.28 KB CORRECTED/INITIAL certificate of service for brief Reply brief, Doc No. [4901045-2], filed by Appellant Mr. Fita E. Spann [4901784] [19-3573] (DRM) [Entered: 04/13/2020 10:14 AM]
08/06/2020	<input type="checkbox"/> 	1 pg. 51.07 KB CORRECTED/INITIAL certificate of service for brief Appellee/Respondent brief, Doc No. [4895122-2], filed by Appellee United States of America [4942962] [19-3573] (CJH) [Entered: 08/06/2020 03:59 PM]
08/07/2020	<input type="checkbox"/>	Paper copies SEALED Reply brief, [4901045-2] filed by Mr. Fita E. Spann.10 paper copies received. [4943440] [19-3573] (MDS) [Entered: 08/07/2020 04:42 PM]
08/07/2020	<input type="checkbox"/>	Paper copies SEALED Appellee/Respondent brief, [4895122-2] filed by United States of America. 10 paper copies received. [4943786] [19-3573] (MDS) [Entered: 08/10/2020 03:07 PM]
08/21/2020	<input type="checkbox"/>	<b>SET FOR NO ARGUMENT - CASE PLACED ON</b> St. Louis CALENDAR <b>for No Argument submission on Monday, September 21, 2020</b> to Judges Steven M. Colloton, Raymond W. Gruender and L. Steven Grasz. For the complete calendar go to <a href="#">Click Here for the Complete Calendar</a> Cases designated as NO ARG will be submitted to the Court on the briefs and record without oral argument, and counsel are not required to appear for cases designated NO ARG. Please review the entire calendar carefully, particularly the Notice to All Counsel page. [19-3573] (MR) [Entered: 08/21/2020 02:41 PM]
08/26/2020	<input type="checkbox"/> 	1 pg. 9.34 KB JUDGE ORDER: On the court's own motion, this case has been removed from the Monday, September 21, 2020, calendar for submission on the briefs and record and rescheduled for oral argument on Friday, September 25, 2020 as the sixth case of the day. Counsel will have 15 minutes of argument time and the panel remains the same. Hrg Sep 2020 [4949560] [19-3573] (MR) [Entered: 08/26/2020 12:16 PM]
08/26/2020	<input type="checkbox"/>	

ARGUMENT STATUS CHANGED - No Argument to Argument - 15 Minutes.  
Calendared Date: Friday, September 25, 2020, Calendared City: St. Louis , Courtroom: Division III, Deputy: Jeanette McKee [19-3573] (MR) [Entered: 08/26/2020 12:30 PM]

08/28/2020	<input type="checkbox"/>  1 pg, 96.34 KB	ARGUMENT RESPONSE/APPEARANCE FORM filed by Mr. David Randolph Mercer for Mr. Fita E. Spann for argument in September, at the U.S. Courthouse in St. Louis, Missouri. [4950350] [19-3573] (DRM) [Entered: 08/28/2020 09:55 AM]
08/28/2020	<input type="checkbox"/>  1 pg, 96.36 KB	ARGUMENT RESPONSE/APPEARANCE FORM filed by Ms. Cynthia Jean Hyde for United States of America for argument in September, at the Tele/Video Conference in St. Louis, Missouri. [4950408] [19-3573] (CJH) [Entered: 08/28/2020 10:52 AM]
09/25/2020	<input type="checkbox"/>	<b>ARGUED &amp; SUBMITTED</b> Via Videoconference to Judges Steven M. Colloton, Raymond W. Gruender, L. Steven Grasz on 09/25/2020; Mr. David Randolph Mercer for Appellant Mr. Fita E. Spann; Ms. Cynthia Jean Hyde for Appellee United States of America. Rebuttal by Mr. David Randolph Mercer for Mr. Fita E. Spann RECORDED. <a href="#">Click Here To Listen to Oral Argument</a> [4959912] [19-3573] (KAS) [Entered: 09/25/2020 04:43 PM]
01/11/2021	<input type="checkbox"/>  9 pg, 253.48 KB	OPINION FILED - THE COURT: Steven M. Colloton, Raymond W. Gruender and L. Steven Grasz AUTHORIZING JUDGE:Steven M. Colloton (PUBLISHED) [4992682] [19-3573] (AMT) [Entered: 01/11/2021 07:44 AM]
01/11/2021	<input type="checkbox"/>  1 pg, 11.56 KB	<b>JUDGMENT FILED</b> - The order and judgment of the Originating Court is AFFIRMED in accordance with the opinion. STEVEN M. COLLTON, RAYMOND W. GRUENDER and L. STEVEN GRASZ Hrg Sep 2020 [4992683] [19-3573] (AMT) [Entered: 01/11/2021 07:51 AM]
02/25/2021	<input type="checkbox"/>  3 pg, 140.17 KB	MOTION for extension of time to file petition for rehearing until 03/12/2021, filed by Attorney Mr. David Randolph Mercer for Appellant Mr. Fita E. Spann w/service 02/25/2021. [5008616] [19-3573] (DRM) [Entered: 02/25/2021 03:29 PM]
02/26/2021	<input type="checkbox"/>  1 pg, 78.55 KB	CLERK ORDER:Granting [5008616-2] motion for extension of time to file rehearing filed by Mr. David Randolph Mercer. Petition for Rehearing due on 03/12/2021 [5008996] [19-3573] (ALK) [Entered: 02/26/2021 12:53 PM]
03/12/2021	<input type="checkbox"/>  2 pg, 50.73 KB	Letter filed stating appellant will not file a petition for rehearing filed by Mr. Fita E. Spann. w/service 03/12/2021 [5013720] [19-3573] -[Edited 03/12/2021 by BNW to correct docket text] (DRM) [Entered: 03/12/2021 08:59 AM]
03/19/2021	<input type="checkbox"/>  1 pg, 78.22 KB	MANDATE ISSUED. [5016377] [19-3573] (ALK) [Entered: 03/19/2021 09:00 AM]

**Documents and Docket Summary**  
 **Documents Only**

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Totals reflect accessible documents only and do not include unauthorized restricted documents.

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8th Circuit Court of Appeals - 04/06/2021 10:46:34			
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<b>Description:</b>	Docket Report (filtered)	<b>Search Criteria:</b>	19-3573
<b>Billable Pages:</b>	4	<b>Cost:</b>	0.40
<b>Exempt Flag:</b>	Exempt	<b>Exempt Reason:</b>	Always